IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4227 OF 2003
(For delay)
IN
CRIMINAL APPEAL NO.1213 OF 2003
AND
CRIMINAL APPEAL NO.1213 OF 2003

The State of Maharashtra ...Appellant.

V/s

1. Bhagu Kamlu Margale
and Ors. ...Respondent.

Mr. D.P. Adsule, APP for the appellant - State.

CORAL: V.M.KANADE, J.

DATE: 14TH OCTOBER, 2004

PC:.

1. Heard the learned APP for the appellant - State.

None appears for the respondents, though served.

2. Delay in filing the appeal is condoned for the reasons stated in the Criminal Application No.4227 of 2003

3. Respondents were charged under the provisions of Section 9, 43(1)(a), 48(a) read with 50 of the Wild Life (Protection) Act, 1972. The allegation against the respondents was that they had killed a Panther and had burried his body in the forest after removing his

skin and other parts of his body which were to be sold illegally in the market. The confessional statements of the accused were recorded. These statements, however, are disbelieved by the Trial Court on the ground that the person recording the statements was not authorized to record them as there was no power of delegation given to the concerned authority for delegating his power to any other Officer for the purpose of recording confession.

4. In my view, prima facie, it appears that there are provisions in the said Act and Rules which authorise the delegation of such power to the Forest Officer.

Leave granted. Appeal is admitted.

V.M. KANADE, J.